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## **SYSTEM FLOW**

System Flow Chart

## **SERVICE NETWORK**

### **Department of Criminal Justice Services**

- Juvenile Services Section
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  - Byrne Memorial Funds
  - Juvenile Accountability Incentive Block Grant Program
  - Children's Justice Act
  - Court Appointed Special Advocate Program
- Correctional Services Section
  - Juvenile & Family Drug Courts
  - Residential Substance Abuse Treatment
- Crime Prevention & Law Enforcement Services Section
  - Crime Prevention Center
  - Serious Habitual Offender Comprehensive Action Program
  - McGruff House Program
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  - School Resource Officers

### **Department of Alcoholic Beverage Control**

- Office of Juvenile Justice and Delinquency Prevention Grants
- Educational Tools for Licensed Establishments
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### **Commission on Youth**

### **Office of Comprehensive Services**

### **Department of Correctional Education**

### **Department of Education**

- Dropout Prevention
- Superintendent-Judges Liaison Committee
- Inter-Agency Training

## **Department of Health**

### Prevention Services

- Virginia Fatherhood Campaign

- Adolescent Health

- Tobacco Control and Prevention Programs

- Home Visiting Programs

- Injury Prevention

- Sexual Violence Prevention Programs

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- Childhood Lead Poisoning Prevention

- Supplemental Food Program for Women, Infants and Children

- Health Care Services for Youth

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## **The Department of Mental Health, Mental Retardation, and Substance Abuse Services**

- Prevention Planning

- Prevention Programs and Services

## **Safe and Drug-Free Schools and Communities Act**

- Governor's Office for Substance Abuse Prevention (GOSAP)

- Virginia Department of Education

## **Department of Social Services**

- Child and Family Services Plan

- Local Child and Family Services Plans

- Review of Child Protective Services

- Child Abuse Prevention

- Foster Care

## **Virginia Tobacco Settlement Foundation**

- Community Programs and Education

- Youth-Focused Public Awareness

- Innovative Research

- Enforcement

# STRUCTURE AND FUNCTION OF THE JUVENILE JUSTICE SYSTEM

The formal juvenile justice system in Virginia is composed of three primary components: law enforcement, the courts, and rehabilitation services. The organization, function, and responsibilities of these components are described in this section. Many intervention and sanction services are operated or supervised by the Department of Juvenile Justice (DJJ), Virginia's primary Executive Branch operational agency serving delinquent youth. Information on various other organizations and programs that address the problems and needs of Virginia's youth at risk for or involved in delinquent behavior may be included in the *Service Network* description which follows this section.

## LAW ENFORCEMENT

Law enforcement agencies typically function as a youth's first contact with the justice system. This is true in instances of delinquent behavior, as well as when a child has run away from home or has been abused, neglected or abandoned. Except for the Virginia State Police, law enforcement agencies throughout the Commonwealth are operated locally through either sheriff or police departments.

Of the existing 417 police and sheriffs departments with law enforcement responsibilities, the vast majority (289) employ fewer than 50 sworn law enforcement officers; 62 agencies employ 50 to 99 officers and 66 agencies employ 100 or more officers. Most small departments have neither the staff nor the resources needed to establish specialized juvenile or youth units. Sworn officers in these departments function as law enforcement generalists. Nonetheless, they frequently undertake youth-specific activities such as diversion, counseling, referrals, and classroom presentations appropriate for their communities, which are usually rural and less-populated areas. Many students now have regular contact with law enforcement officers who serve as School Resource Officers in high schools and middle schools.

### Law Enforcement Training

The Department of Criminal Justice Services (DCJS) is the state agency responsible for promulgating criminal justice training regulations and monitoring compliance with the regulations. Virginia's current criminal justice training delivery system is composed of 36 certified academies. There are 10 regional law enforcement training academies, geographically distributed throughout the Commonwealth, that receive partial state funding, seven state training academies including the Virginia State Police Academy and the Academy for Staff Development, and nine other training academies classified as independent.

Under the *Rules Related to Compulsory Minimum Training Standards for Law Enforcement Officers*, each officer must complete a minimum of 480 hours of basic training plus 100 hours of field training within 12 months of employment. As sworn officers, they must also complete 40 hours of in-service training during every

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subsequent two-year period. Some officers choose to gain advanced training in juvenile matters through courses offered by a variety of sources, including criminal justice training academies, the FBI academy, and state conferences.

All basic training conducted through the academies is designed by the DCJS Training & Standards Section through a 'job task analysis' that delineates specific performance objectives for each officer. Specific to juvenile matters, each officer must demonstrate knowledge of the legal procedures for handling juveniles, special crimes against juveniles, the psychological effects of such crimes, and referral resources. The last job task analysis was completed in 1995 and the training objectives were revised to reflect the results of that analysis. Implementation of these new objectives was effective July 1, 1999. The Crime Prevention and Law Enforcement Section within DCJS produces various model policies for law enforcement agencies, including a section that deals with juvenile issues.

### **Police Diversion**

Diversion of youth from the juvenile justice system in Virginia occurs at both the law enforcement and court intake levels. At the law enforcement level, the decision to divert is an informal and discretionary one. The officer may elect to take the alleged offending youth to the nearest Juvenile and Domestic Relations Court intake office for the processing of a delinquency petition. If the officer deems that it is in the best interest of the child to handle the case more informally, he or she may elect to: release the child to the custody of parents or guardians, refer the youth directly for treatment or counseling services, or release the youth with a warning.

### **Community Policing**

Many law enforcement agencies have embraced the philosophy of community policing. These initiatives, combined with growing national recognition of the benefits derived from community policing strategies, have generated interest in Virginia's law enforcement community for training and technical assistance on this issue. The growing interest in community policing has furthered the agency's efforts to develop training to assist communities to develop their community policing systems. One of the benefits of the community policing philosophy is a more holistic approach to problem-solving about local public safety issues. This approach brings together local resources to solve problems and thus avoids the service fragmentation that allows needy people to "fall through the cracks" of local juvenile justice and social support systems.

## **THE COURTS**

### **General District Court**

District courts include general district courts and juvenile and domestic relations district courts. General district courts have original jurisdiction over most civil matters, traffic and criminal cases involving local ordinances, and certain misdemeanors.

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### **Juvenile & Domestic Relations District Court**

There are 32 juvenile & domestic relations (J&DR) districts and 119 individual juvenile courts in the Commonwealth with jurisdiction over cases involving violations in which a juvenile is either a victim or a defendant. Cases heard in the J&DR district courts include delinquency petitions, status offenses, petitions related to abused or neglected children, traffic offenses involving youth, and certain domestic relations issues like custody, visitation and support. Each court has one or more judges who are appointed to six-year terms by the legislature.

Matters over which the J&DR courts have exclusive original jurisdiction include delinquency (except for specific serious offenses alleged to be committed by juveniles 14 years of age or older over which the circuit court has jurisdiction), child custody, visitation, support, and termination of parental rights and responsibilities. All parties subject to a juvenile court order may appeal the decision to the circuit court. Cases appealed to circuit court are heard *de novo*, or, from the beginning. When hearing juvenile cases on appeal, the circuit court has the same power and authority as did the juvenile court in the original action.

### **Circuit Court**

The circuit court is the trial court of general jurisdiction in Virginia, having jurisdiction over criminal matters and over petitions for divorce, affirmation or annulment of a marriage, separate maintenance, change of name, and adoption. Under certain circumstances, when a suit for divorce has been filed in a circuit court in which custody, guardianship, visitation, child support, or spousal support is at issue, the juvenile courts are divested of the right to enter any further orders pertaining to the family's circumstances. The circuit court also has jurisdiction to hear cases for juveniles age 14 and older with certain charges where the court has original jurisdiction, and for youth aged 14 and older for whom jurisdiction is transferred from juvenile court pursuant to §16.1-269.1 of the *Code*.

### **Transfer of Jurisdiction**

The statute regarding transfer of jurisdiction from the juvenile court to the adult court was changed significantly as part of the juvenile justice reform of 1996. Under *Code* §16.1-269.1A, jurisdiction may be transferred from the juvenile court (J&DR) to the adult court (circuit court) if the following conditions are met:

1. The child is fourteen years of age or older at the time of the alleged commission of the felony offense.
2. Notice as prescribed in §§ 16.1-263 and 16.1-264 is given to the child and his parent, guardian, legal custodian or other person standing *in loco parentis* or attorney.
3. The juvenile court finds that there is probable cause to believe that the child committed the delinquent act as alleged or a lesser included delinquent act, which would be a felony if committed by an adult.

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4. The juvenile is competent to stand trial.
5. The court finds by a preponderance of the evidence that the juvenile is not a proper person to remain within the jurisdiction of the juvenile court.

The juvenile court is required to conduct a preliminary hearing in any case where a juvenile fourteen years of age or older is charged with murder in violation of §§ 18.2-31, 18.2-32, or 18.2-40, or aggravated malicious wounding (§18.2-51.2).

If the Commonwealth's Attorney so elects, the court is also required to conduct a transfer hearing in any case where the juvenile fourteen years of age or older is charged with murder (§18.2-33), felonious injury by mob (§18.2-41), abduction (§18.2-48), malicious wounding (§18.2-51), malicious wounding of a law-enforcement officer (§18.2-51.1), felonious poisoning (§18.2-54.1), adulteration of products (§18.2-54.1), robbery (§18.2-58), carjacking (§18.2-58.1), rape (§18.2-61), forcible sodomy (§ 8.2-67.1) or object sexual penetration (§18.2-67.2). If the juvenile court finds probable cause pursuant to the preliminary hearing, the juvenile court certifies the charge(s) to the grand jury and divests itself of jurisdiction as to that charge and any ancillary charges. If the juvenile court does not find probable cause, the Commonwealth's Attorney may still seek direct indictment in circuit court.

### **Court of Appeals**

As noted above, the J&DR court is not a court of record. This means that whenever an appeal of a juvenile court order is filed, it must be re-tried from the beginning (*de novo*) in the circuit court. An appeal of a circuit court order may then be noted in the Court of Appeals. A case is overturned on appeal, from a court of record, when the person bringing the appeal can show that there was a judicial error committed in circuit court.

### **Attorneys and Advocates**

#### **Defense Attorneys**

Section 16.1-266.B of the *Code* provides for the appointment of legal counsel prior to a detention review hearing, an adjudicatory hearing or a transfer hearing in any case involving a child who is alleged to be in need of services, in need of supervision, or delinquent. In jurisdictions that do not have public defenders, the court appoints all counsel from a list of attorneys who have expressed willingness to accept such appointments. In public defender jurisdictions, court-appointed attorneys are used in conflict situations and whenever the ends of justice require such appointments.

Apart from membership in the Virginia State Bar, there are no training requirements for attorneys who represent youth in delinquency matters. The State Bar offers continuing legal education on a variety of topics including matters of juvenile representation. The Public Defender Commission has taken steps to increase the education of those individuals providing legal representation to juveniles and has developed an annual continuing legal education seminar designed to educate attorneys on detention, confinement, transfer, and appellate issues.

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The availability of legal counsel and the process for assigning counsel to indigent juveniles varies between court jurisdictions. In counties that have public defender offices, the public defenders have the capacity to represent indigent juveniles. Before 1995, only two public defender offices had a formal juvenile division. One more formal juvenile division was added in 1995. In FY 2002, Public Defender offices represented 9,725 juveniles charged with 16,050 offenses.

As noted above, in jurisdictions without public defender offices, the court appoints a lawyer to represent the juvenile from a roster of local available attorneys. The juvenile court is viewed frequently as a training opportunity for novice attorneys. Attorneys appointed by the court are paid based on a fee scale established by the Virginia Supreme Court. If the court determines that the family is financially able to pay for the attorney, it will assess a fee against the parent(s) for all or part of the attorney's fees. A review of other states' statutes and court rules reveals that the maximum fee payable to an assigned counsel in Virginia for the representation of a juvenile in juvenile court is among the lowest in the country.

### **Prosecutors**

Of the 121 elected Commonwealth's Attorney positions and 453 state and locally funded Assistant Commonwealth's Attorney positions, approximately 78 are specifically assigned to juvenile court. In those localities that do not specifically assign assistants to juvenile and domestic relations court work, the work is handled on a rotating basis. Most jurisdictions use the system of vertical prosecution, whereby once a prosecutor is assigned to a particular case, he or she follows that case through the entire trial court process.

The Commonwealth's Attorneys' Services Council is the Executive Branch state agency responsible for providing training and other services to the 120 elected Commonwealth's Attorneys and more than 400 Assistant Commonwealth's Attorneys in Virginia. Prosecutors depend on Council-sponsored training programs to meet the annual continuing legal education requirements mandated by the Virginia State Bar to maintain their licenses to practice law. Each year, the Council sponsors six training programs, including Spring Institute, a multi-track program open to all prosecutors that emphasizes recent developments in statutory and case law and offers training on a wide variety of pertinent topics.

The Council's Curriculum Committee develops the curriculum for Spring Institute, as well as the curricula for the Council's other training programs, based on the specific needs of Virginia's prosecutors as ascertained through evaluations and solicited requests. Spring Institute is regularly attended by more than 400 prosecutors and frequently includes a track on the prosecution of juvenile offenders. In addition, based on need and the availability of grant funding, the Council periodically offers special courses, distinct from those offered annually, geared to prosecutors in juvenile court.

### **Guardians *ad litem*.**

Section 16.1-266.A of the *Code* provides for the appointment of a competent attorney-at-law as guardian *ad litem* (GAL) to represent the interests and welfare of a child in any



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case involving allegations of abuse or neglect, entrustment, or termination of parental rights. Guardians *ad litem* are being appointed with more frequency in contested custody cases where no abuse or neglect is alleged but the court is interested in determining what is best for the child. Compensation of GALs is \$55 per hour out-of-court and \$75 per hour in-court. However, while the *Code* imposes a maximum fee payable to counsel appointed to represent a juvenile in a delinquency matter or an indigent adult, there is no cap on compensation of a GAL. There are qualification standards that govern the appointment of an attorney as a GAL. Performance standards governing GALs in child protection cases were adopted by the Judicial Council of Virginia in October, 2002. These standards are scheduled to be amended to include other cases, including custody and visitation, in 2003.

### **Court Appointed Special Advocates (CASA)**

Virginia has established a Court Appointed Special Advocate (CASA) program through *Code* §9.1-151 et seq. A statewide network of 26 locally-operated CASA programs has been established with a state-level Advisory Committee and administrative support from the DCJS. Specially trained CASA volunteers are appointed at the court's discretion in cases involving allegations of child abuse or neglect and children in need of services or supervision. Duties of the volunteers include investigation of the case to provide independent factual information to the court; submission of a report of such investigation to the court; monitoring the assigned case for compliance with court orders; assisting the GAL, if one was appointed, to represent the child's needs and best interests; and reporting a suspected abused or neglected child pursuant to 63.1-248.3.

### **Court Improvement Project**

The Court Improvement Program is a national initiative funded by the Omnibus Budget Reconciliation Act of 1993 (P.L.103-66) to improve the response of the country's juvenile court systems to handling abuse, neglect, foster care and adoption litigation. Funding for this program has continued in recent years, most notably through the Adoption and Safe Families Act of 1997. Virginia's program began in 1995 and is housed in the Office of the Executive Secretary, Supreme Court of Virginia. The goal of this program is to improve the court's processing of child abuse, neglect and foster care cases and to achieve permanent placements for children within two years of their entry into the foster care system. Virginia legislation was enacted in 1997 and 1998, with additional changes and refinements in 1999 and 2000 to clarify permissible time frames for child abuse, neglect, and foster care cases in the juvenile and domestic relations (J&DR) district courts. To provide information about the laws and facilitate an interdisciplinary, best practices approach, training is provided statewide and in localities to J&DR court judges and clerks, social service departments, Court Appointed Special Advocate programs, counsel for social service departments, guardians *ad item* and directors of court service units.

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### **REHABILITATION SERVICES**

Virginia's rehabilitation component of the juvenile justice system is a broad network of locally, privately, and state-operated programs and services that has developed over several decades. Programs range from community-based services aimed at youth at risk for delinquent behavior to secure and highly structured state-run juvenile correctional facilities. Treatment approaches range from supervision of the youth in his or her home to intensive therapeutic intervention in a residential setting.

These varied programs are supported by a variety of funding sources administered by numerous public or private agencies. Locally, management structures vary between private, municipal, and state control. The benefit of this system is that programs can be developed in response to local needs, interests, and available resources. The disadvantage is that many localities do not provide a full continuum of services that is responsive to the needs of juveniles.

#### **Virginia Juvenile Community Crime Control Act**

The General Assembly enacted the Virginia Juvenile Community Crime Control Act (VJCCCA), effective January 1, 1996, to: "ensure the imposition of appropriate and just sanctions and to make the most efficient use of correctional resources for those juveniles before intake on complaints or the court on petitions alleging that the juvenile is a child in need of services, child in need of supervision, or delinquent.... [VJCCCA] establish[es] a community-based system of progressive intensive sanctions and services that correspond to the severity of offense and treatment needs. The purpose of this system shall be to deter crime by providing immediate, effective punishment that emphasizes accountability of the juvenile offender for his actions as well as reduces the pattern of repeat offending" (*Code* §16.1-309.2).

Local plans, which must be approved by the Board of Juvenile Justice, are developed by each participating locality in consultation with the juvenile court judge and the director of the local court service unit (CSU). The Board of Juvenile Justice approves plans. Current legislation proposes to forge a connection between VJCCCA and Comprehensive Services Act planning efforts. All 134 of Virginia localities participate in VJCCCA, although some have combined their funding to provide more efficient services. The Department of Juvenile Justice monitors and provides technical assistance to localities.

Prior to the VJCCCA, \$11.1 million was provided to localities in block grant funding for a limited number of group homes, less secure detention, shelters, family oriented group homes, outreach detention and electronic monitoring. VJCCCA funding more than doubled to nearly \$30 million for fiscal years 1999 through 2002. Virginia's dramatic budget shortfall resulted in a 51 percent reduction to VJCCCA in FY03, with remaining appropriations at \$14.5 million. Communities had used VJCCCA funding to provide a wide variety of nonresidential community-based options, however, the loss of funding has forced a return to residential care and core nonresidential services such as outreach, electronic monitoring and in-home services.

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### **Department of Juvenile Justice**

The Department of Juvenile Justice (DJJ) provides for custody and care of committed juveniles, community supervision and case management, and support for community programs and services. It also uses public and private providers for the provision of pre- and post-dispositional services. DJJ is Virginia's primary Executive Branch operational agency providing services to delinquent youth. DJJ serves the Commonwealth with a central office in Richmond and three regional offices. A seven-member citizen board appointed by the Governor serves as a policy-setting authority with powers and responsibilities contained in Title 66, Chapter 1 of the *Code*.

The mission of DJJ is to protect the public through a balanced approach of comprehensive services that prevent and reduce juvenile delinquency through partnerships with families, schools, communities, law enforcement and other agencies, while providing the opportunity for delinquent youth to develop into responsible and productive citizens.

DJJ has direct management and administrative responsibilities over 32 J&DR court service units (CSUs), a Reception & Diagnostic Center, 7 Juvenile Correctional Centers (JCCs), 3 halfway houses and 1 juvenile detention center. (Virginia also has 3 locally operated, independent court service units.) In addition, DJJ provides partial financial support through block grant funding for 24 secure detention facilities. The agency also contracts for one private halfway house.

### **J&DR Court Service Units**

Each J&DR Court is served by a court service unit (CSU) that handles both juvenile and domestic relations cases. In addition to the 32 CSUs operated by DJJ, 3 additional CSUs function as locally operated entities. CSU juvenile services include intake, screening, diversion, placement, pre- and post-adjudicatory case management, supervision, parole planning and coordination and a variety of specialized services. In addition, domestic relations services include intake and supervision, custody investigations, referrals, and mediation and domestic violence case management, supervision, and counseling.

CSUs employ a variety of staffing patterns determined partially in response to jurisdictional population and partially in response to special programs within each jurisdiction. Larger population areas tend to have larger units with staff specialized by function such as intake, probation, and intensive supervision. In less populated jurisdictions, staff function as generalists, fulfilling all aspects necessary to the individual case.

### ***Court Intake***

All J&DR court districts are directed by the *Code* to provide intake services for juveniles and for domestic relations matters. Intake functions mandated by the *Code* require that each local CSU receive, review, and process complaints, determine whether a petition should be filed with the court, establish whether to release or detain youth, and provide

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services to youth and families including diversion and referral to other community resources.

Intake must be available 24 hours per day. Local court services vary in their staffing, services and coverage systems. Some CSUs have staff available 16 hours per day during the workweek, and have intake workers on call by pager after the normal workday and on weekends. Law enforcement personnel report that the lack of an intake worker on site at all hours causes delays and requires that the officers expend more time supervising youth while awaiting the arrival of the intake worker. In rural areas, intake officers must travel long distances when a face-to-face interview is needed for the detention of a youth. The *Code* was revised in 1996 to allow the option of intake by use of two-way electronic video and audio communication as an alternative to a personal appearance before an intake officer. Necessary documents may be transmitted by facsimile. This expansion of the required intake procedure helps to address some of the logistical problems faced by intake and law enforcement officers in rural areas. Equipment purchases were provided for by a DCJS JAIBG grant.

The scope of services available to intake workers varies across the state. The nature of local juvenile crime, the views of individual CSU directors, judicial philosophy, and availability of resources impact intake services and contribute to jurisdictional variations in both the development of services and the reliance upon the use of informal adjustments (diversion) and alternative services for youth.

DJJ requires 40 hours of training annually for CSU staff, with 20 of those hours relating to intake functions for intake officers. In addition, a reference manual is available to assist workers. In recent years, however, neither the training nor the reference manual has been current with *Code* changes. DJJ is presently reactivating the training program and a small workgroup has been charged the task of revising the manual.

### ***Community Diversion***

By *Code*, one of the options of intake services is to divert youth from formal court action if the juvenile has not been before intake previously; all subsequent complaints against the juvenile must be petitioned. Depending on the youth's and/or family's circumstances and the nature of the complaint, the intake worker can initiate an informal adjustment, whereby actions are taken in lieu of filing a petition to the court. When a case is petitioned, it may be formally diverted by a judge prior to disposition. Both informal processing and diversion involve voluntary participation in some type of court supervision and service programs. Informal processing and court diversion may be accomplished through program referral within the CSU or through other community-based alternatives.

Depending on size, CSUs may have specialized intake units that manage youths who are informally supervised or who are diverted. Small group approaches such as law-related education, substance abuse classes, and special groups for shoplifters are typical of the variety of services available. Some jurisdictions also refer youth and their families to specialized family counseling units, and to a wide range of other programs including community service, restitution, mediation, individual counseling and family counseling. Other CSUs have developed working agreements with local social service

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agencies for diversion services. Services such as employment, individual counseling, family counseling, diagnostic screening and educational services are available to intake in many jurisdictions. However, many jurisdictions report that access to such services is very limited.

### ***Pre-Dispositional Alternatives***

For juveniles who are not diverted from the system and require court processing, the court service unit's intake officer must determine who will supervise the child prior to the court hearing. In many instances the child is released under the supervision of his or her parent or guardian. When the parent or guardian is not available or appropriate, an alternate placement must be identified. Alternative placements are determined by using the least restrictive setting as a guide. The placement options available to an intake officer depend on many factors, including the nature of the instant offense, the child's age, the youth's behavior during the intake process, the number and nature of prior offenses, whether the youth is currently on probation, the parent's willingness to assume supervision, the child's potential to harm himself or herself, the danger the child presents to the community and the availability of alternative placements in the community. To ensure the presence of the child at court proceedings, and/or to protect the public or the child, it is occasionally necessary to detain some children in secure settings.

In November 2002, DJJ instituted a structured Detention Assessment Instrument to guide the decision to detain. Development of this instrument was supported by a DCJS JAIBG grant.

The following is an inventory of some of the pre-dispositional alternatives available in Virginia. As indicated previously, these services represent a mix of state, local, and privately funded programs. They are generally listed from the least restrictive to the most restrictive environment.

1. ***Release to Parental Custody.*** The youth returns to the home of his or her parent(s)/guardian(s) while awaiting the court hearing. The parent or guardian assumes responsibility for the child's appearance in court. The youth generally resumes his or her normal daily routine (for example, school, sports, and social activities) with whatever restrictions are imposed as a result of the intake hearing.
2. ***Family Preservation Programs.*** These are private programs designed to provide intense intervention services to a family to prevent the removal of a child from the home, or to reintegrate a child back into the home after a period of confinement.
3. ***Family Shelter Care.*** The youth is placed with a family other than his or her own during the pre-disposition period. Typically, these placements are made close to the child's home community so that disruption to the child's daily routine is minimal. In Virginia, these shelters typically are called Family Oriented Group Homes.

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4. **Crisis Shelter.** These are coeducational facilities providing a home-like environment with 24-hour staff supervision. Assessment, counseling, recreation, and other support services are provided. There are nine crisis shelters in the State. Although the average length of stay is brief, placement in a crisis shelter frequently entails a temporary interruption in the child's education.
5. **Outreach Detention/Intensive Supervision.** These programs provide intensive supervision while the youth resides at his or her own or a surrogate home. Each week, a minimum of four face-to-face contacts with a counselor occurs. Some localities have access to a more intensive "House Arrest" model incorporating electronic monitoring of pre-dispositional youth.
6. **Electronic Monitoring.** This is an electronic method of supervising juveniles either pre- or post-adjudication. It is sometimes used postcommitment when a child is returning home from an out-of-home placement. It is an effective way of monitoring compliance with a curfew imposed on a child adjudicated delinquent or as a way to curtail the activities of a chronic runaway. The juvenile wears a transmitter around his or her ankle that sends a signal to a monitoring facility to ensure that a child is at his or her designated place. The signal is transmitted through either a telephone or a radio.
7. **Less-Secure Shelter Homes.** These homes provide custodial group living arrangements pending the youth's appearance in court. The primary function of such a placement is to provide a less restrictive alternative to secure detention for youth who do not pose a security or safety risk, but who do require a high level of supervision. Many localities operate a variety of other "staff secure" residential placements for this purpose. This is also an option for status offenders.
8. **Secure Detention.** Secure detention homes are community-based, physically restricting, residential programs. There are 24 secure detention facilities in the State providing services for both pre- and post-dispositional youth. A locked environment and constant sight and sound supervision serve to restrict the youth's activities. Services provided in secure detention include education, emergency medical services, recreation, and provisions for parent/guardian visitations. Children classified as CHINS can be held in secure detention after an arrest for up to 24 hours prior to and 24 hours after an initial court hearing, excluding weekends and holidays. An adjudicated juvenile status offender accused of violating a valid court order must have a probable cause hearing within 24 hours and a violation hearing within 72 hours of being placed in detention. The maximum sentence for violating a court order is 10 days.
9. **Jails and Lock-ups.** Jails are locally operated, physically restricting, locked facilities that provide services tailored to adults. Twenty-one jails are certified to hold juveniles. Juvenile offenders, by federal and State law, must be separated by sight and sound from adults housed in the same facility. Placement of delinquent youth in jail while awaiting disposition is guided by §16.1-249.

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### Post-Dispositional Services

An adjudicatory hearing is held to determine whether or not the juvenile committed the alleged offense. Once a child has been adjudicated delinquent, the case moves to the next phase, disposition. Sometimes the disposition hearing is held at the same time as the adjudicatory hearing, but at other times the procedure is bifurcated. In those instances when a judge wants further information prior to disposition, the judge asks the court service unit to prepare a Social History for consideration in formulating a dispositional order. The court may release the child to the custody of his or her parents with conditions of release, including a term of probation. The court may also order a youth into the custody of the State Department of Juvenile Justice. The court service unit assumes the role of juvenile probation and/or parole officer with placement, supervision, and monitoring responsibilities.

Each locality develops a range of local services and programs for juvenile offenders. The *Code* requires a locality to establish a range of post-dispositional services prior to and as a condition of funding of secure facilities. Additionally, those localities receiving funding through the Virginia Juvenile Community Crime Control Act (VJCCCA) are required to submit a plan of their system of services.

The following is a listing of post-dispositional alternatives in the *Code of Virginia* for delinquent youth, presented generally from least to most restrictive alternative. This is not intended as an exhaustive list detailing every option available but as representative of various rehabilitative programs and options most commonly available.

1. ***Order the Youth and/or Family Members to Receive Needed Community-Based Service(s).*** The court may order the youth and his or her parent(s) or guardian(s) to participate in and cooperate with available community-based programs and treatment services such as individual and family counseling and/or therapy.
2. ***Release to Parental Custody Subject to Limitations Imposed by the Court.*** The youth can be released to the custody of his or her parents subject to special conditions or requirements of the court. Special conditions may include good behavior, requirements for regular school attendance, or participation in counseling or other community-based programs with or without court supervision.
3. ***Place the Youth on Probation.*** The youth is assigned a probation officer/counselor to whom he or she must report regularly regarding compliance with probation rules. These rules usually include but are not limited to setting of curfew, restriction on persons with whom the child may associate, school attendance and obeying all laws. Treatment plans are developed by the counselor in concert with the juvenile and his or her family. They reflect the service needs of the probationer concerning his or her family, adjustment in the community, and school involvement. This plan also stipulates the frequency of contacts that the youth is to maintain with the probation officer.

## I. Description of the System

Many probation officers, particularly in urban and densely populated suburban areas, must manage large caseloads and struggle to devote sufficient time to youth who have emotional or psychological difficulties or to family situations that need in-depth counseling, additional case management, and/or closer supervision.

Court service units in urban and suburban areas tend to have a broader and more specialized array of services available for youth on probation. Examples of such services include: investigation and diagnostic units, intensive supervision, high risk drug programs, community service, special programs (i.e., conservation, bicycling), wilderness programs, domestic violence programs, mediation, restitution, law-related education, family and group counseling, mental/psychological evaluations, education or tutorial programs, and volunteer programs.

4. ***Defer Disposition.*** Disposition may be deferred for up to twelve months and the petition dismissed for good behavior without adjudication of guilt. This is sometimes accompanied by some of the requirements of probation.
5. ***Monetary Fine.*** A fine of up to \$500 may be imposed on the youth.
6. ***Suspend the Motor Vehicle Operator's License.*** A juvenile's motor vehicle license may be suspended for a period of time.
7. ***Require Restitution.*** The youth may be required to repay actual damages when his or her offense has been against the property of others. This can be monetary restitution or restitution in the form of participation in a public service project, as authorized by the *Code*.
8. ***Order Community Service.*** Juveniles work without pay, typically in a governmental or non-profit agency as symbolic, rather than monetary, restitution.
9. ***Impose Adult Penalties.*** Juveniles who have committed traffic offenses may have any penalty authorized for adults imposed upon them; however, confinement in jail would be subject to special conditions.
10. ***Order Participation in Day Reporting Center.*** Pilot projects have been implemented for this community alternative for juveniles whose next step would involve placement in a group home. A Day Reporting Center provides supervision to serious and chronic juvenile offenders during the hours they are most often without parental supervision and most likely to commit crimes, that is, the hours after school until early evening. Services such as tutoring, vocational counseling and substance abuse counseling can be provided.
11. ***Community Confinement.*** A child for whom community confinement is ordered is placed in a non-secure, small, community-based facility that offers intensive treatment and rehabilitation services. Services available typically include individual and group counseling, educational programs and medical services. Intensive staff supervision is characteristic in such a setting.



## I. Description of the System

12. **Transfer Custody.** Custody of a juvenile may be transferred to a relative, guardian, child welfare agency or the local Department of Social Services.
13. **Placement in a Secure Detention Facility.** Section 16.1-284.1(A) of the Code permits detention sentencing whereby a youth may be placed in a secure detention facility for a determinate period of time. Adjudicated status offenders and non-offenders cannot be held in secure detention.

A first-time juvenile offender who is 14 years or older and found to have committed an offense which, if committed by an adult would be punishable by confinement in a state or local correctional facility, may be placed in a secure detention facility for up to thirty days.

Code Section 16.1-284.1 allows the court to sentence juvenile offenders to secure detention for up to six months. Such confinements are subject to mandatory review hearings by the court at least once during each thirty-day period of confinement. Such youth must have treatment plans that may include outside activities such as attending school during the day while remaining in detention at night. The court may release the youth from confinement at any time subject to a period of probation. Post-disposition certification requirements and overcrowding in detention facilities have curtailed most placements of this nature.

14. **Commit the Child to the State Department of Juvenile Justice.** Custody of the juvenile is transferred to DJJ. No child younger than *eleven* may be committed to DJJ. Committed youth must be adjudicated on a delinquency charge or a combination of four misdemeanor charges.
15. **Serious Offenders Commitment.** Youth 14 years of age or older adjudicated on an offense that would be a felony if committed by an adult and which is punishable by a term of confinement of twenty years or more if the felony was committed by an adult, may be held at a State JCC not to exceed seven years or the juvenile's twenty-first birthday, whichever comes first (§ 16.1-285.1). Under Code section 16.1-272 wards may serve: (1) a portion of their sentence in a juvenile correctional facility and the remainder of their sentence in an adult correctional facility; (2) all of their sentence in an adult correctional facility, or (3) have the adult portion of their sentence suspended, provided that certain terms and conditions are met.

### Juvenile Correctional Centers

When a judge determines that community-based programs and probationary supervision are inappropriate for a juvenile adjudicated for a delinquent offense, the judge may commit the youth to the DJJ.

Upon commitment to DJJ, youth are placed at the Reception and Diagnostic Center (RDC) for assessment. Typically, a youth stays at RDC for up to 30 days while he or she undergoes medical, educational/vocational, psychological, behavioral and sociological evaluations. The outcome of this process is the determination of custody classification, length of stay, treatment needs, and placement. DJJ may place a youth

## **I. Description of the System**

committed to its care in one of the seven state-operated juvenile correctional centers (JCCs) or, when appropriate, in a private residential program.

The JCCs provide minimum to secure confinement for youth needing structured placements and a high level of supervision while receiving treatment services. These services include academic and vocational education, remedial tutoring, psychological and psychiatric treatment, substance abuse treatment, recreation, life skills training, and programs for independent living. The JCCs provide youth access to religious services, visitation, and volunteer activities, in addition to meeting their basic needs. One JCC serves developmentally disabled youth. Four JCCs have separate specialized residential programs for adolescent sex offenders. One facility currently specializes in working with all females. All JCCs are able to address the substance abuse and anger management needs of wards. JCCs range in size from 40 to 322 beds. All of the facilities except three are located in the Richmond area. The capacity of the JCCs was 1,175 as of January 2003.

DJJ has transitioned from making correctional center assignments based primarily on age and gender to making assignments based on such factors as custody, treatment needs, age, and size. Thus, JCCs are becoming more specialized in their programming and security measures. DJJ's length of stay system takes into account the youth's committing offense, prior history, and aggravating or mitigating circumstances. The principle benefit is that a reasonably consistent standard is used to determine each youth's term of commitment, and provides a realistic picture of a ward's anticipated stay in the system.

### **State-Operated Group Homes/Halfway Houses**

Typically, referrals to state-operated halfway houses are made prior to release from JCCs. DJJ operates three halfway houses and contracts with one private halfway home provider for a total capacity of 44 beds.

These homes are designed to be independent living programs for three types of juveniles: youth who have no home placement, youth who will be on their own when released from JCCs, or youth who have been placed on parole and are having difficulty readjusting in the home of their parents or guardians. Each group home takes advantage of available community resources for their population. The homes provide residential services and counseling, and instruct residents in independent living skills.

### **Parole**

Parole services are provided by court service unit (CSU) staff. Planning for parole services is initiated when a youth is committed to State care. The committing probation officer provides input to the Reception and Diagnostic Center's evaluation process and, within 30 days of a child's transfer to a JCC, an assigned parole officer meets with the juvenile, the JCC staff and correctional education staff to develop a comprehensive service plan. This plan addresses the child's treatment needs while at the JCC as well as the period of supervision following release.

## **I. Description of the System**

Larger CSUs operate discrete parole units while smaller CSUs may assign an individual worker to manage the parole caseload or may assign probation counselors a mixed caseload of youth on probation and parole. Increasing court-related responsibilities, and increasing probation caseloads have adversely impacted CSU workloads. These trends have left less time available for the comprehensive planning and implementation of parole services.

The success of parole is also affected by variations in local service continuums. Even in areas rich with community resources and services, staff involvement in the transition of youth back into their communities is frequently hampered by time constraints resulting from heavy caseloads and lack of coordination of services.

Recent enhancements to DJJ's parole services system focus on different levels of supervision based on the youth's risk of reoffending and emphasis on the "balanced approach" in planning for supervision.

### **Secure Detention**

Currently, there are 24 secure detention facilities throughout the Commonwealth. These community-based, residential facilities provide temporary care for delinquents and alleged delinquents requiring secure custody pending court disposition or placement. Detention program components include educational instruction, medical screening, recreational activities, and parental or guardian visitation. Approximately 90 percent of placements are predispositional. Sections 16.1-284.1.A and 16.1-284.B of the *Code* provide for the use of detention as a postdispositional alternative to commitment in a juvenile correctional facility. Approximately 10 percent of a facility's bed space is dedicated for postdispositional use. Twelve of the facilities are locally operated, and 11 are run by commissions, political entities comprised of 3 or more localities. Culpeper Detention Home is the only state-operated detention facility in the Commonwealth.

DJJ monitors the operations of detention facilities through its certification process and six-month monitoring visits. DCJS monitors all secure detention facilities annually to ensure compliance with the federal Juvenile Justice and Delinquency Prevention Act and the *Code of Virginia*.

The State provides approximately one-half of the funding for detention construction and operating costs on a utilization-based funding formula. Local appropriations and per diem payments provide the balance of these facilities' budgets. Localities that neither operate a local facility nor belong to a commission must purchase bed space, on a per diem basis, from neighboring localities. Detention capacity is scheduled to almost triple from FY94 (532 beds) through FY05 (1,442 beds). Detention capacity is currently around 75 percent.

### **Jail Services**

Section 16.1-249 (B) of the *Code* prohibits the detention or confinement of a child in any jail or facility used for the detention of adult offenders or persons charged with a crime except in exceptional circumstances that are discussed in the *Compliance Monitoring* section of this document.

## **I. Description of the System**

The State Board of Corrections has developed life, health and safety standards, with which jails and lockups must comply to be certified for operation. The Department of Corrections is responsible for certifying facilities holding juveniles. Each of the 78 local and regional jails in the Commonwealth undergoes certification procedures every three years. Additionally, the *Code* now requires the Board of Corrections, in conjunction with the Board of Health, to arrange for at least one unannounced inspection annually.

During the course of a jail's certification procedure, a specific cell block or ward is designated as the juvenile unit, providing sight and sound separation from adult inmates. Maintaining separation standards often has the effect of excluding youths from those educational, recreational, and other treatment programs that exist for adults at the jail since juveniles cannot participate in such programs at the same time as adult inmates.

Currently, there are 21 jails and lockups that are certified to hold juveniles. Services provided to youth in the certified facilities vary widely. Some jails offer services that are limited to those required for certification, whereas others offer a wider array of services.

Deputy sheriffs and jail officers receive training through the state's system of regional training centers using performance-based objectives issued by the Department of Criminal Justice Services (DCJS). Included in this curriculum are specific objectives to be met dealing with the juvenile offender and the juvenile justice system, juvenile law, and the minimum standards required for handling and housing of juveniles. Proficiency with all objectives must be demonstrated for certification. In addition to the minimum proficiency standards, jailers and custodial officers must also complete a minimum of 24 hours of in-service training during each subsequent 2-year period. Of the 24 training hours required, four must be related to legal issues, and the other 20 can be on a variety of subjects. None of the 24 hours are required to be directed toward juvenile issues. If any changes in the minimum standards for handling juveniles arise, the trainers incorporate these changes in their curriculum.

### **NON-DELINQUENT YOUTH IN NEED OF SERVICES**

Primarily, this discussion has dealt with the juvenile justice system as it interacts with children alleged to have committed a delinquent act. As indicated earlier in discussing the jurisdiction of the juvenile (J&DR) court, children with other needs are also served through the justice system.

The *Code of Virginia*, §16.1-228 defines children who are abused or neglected, in need of services (CHINS) and in need of supervision (CHINSup). These definitions will be described further in this section.

#### **Abused, Neglected, Abandoned Child**

Section 63.2-100 of the *Code* limits the definition of abuse and neglect to acts involving a child who is less than 18 years of age whose parents or other person responsible for his or her care abuses, neglects, or abandons the child; commits or allows to be committed any act of sexual exploitation; or is unreasonably absent or mentally or physically incapable of providing parental care.

## I. Description of the System

In 1975, the General Assembly entrusted child protective services to the Department of Social Services. Child Protective Service (CPS) units are State supervised and locally administered. Each of the 122 local departments of social services is responsible for responding to abuse or neglect complaints, providing or arranging services for the child and/or family and providing temporary substitute care when needed to ensure the safety of the child. Reports of child maltreatment may be made directly to a local department or to a statewide toll-free hotline that is staffed on a 24-hour basis.

It is the responsibility of CPS to respond to all valid complaints by conducting an investigation or a family assessment. Under Section 63.2-1503(D) of the *Code*, CPS is required to report to the Commonwealth's Attorney and to local law enforcement clearly defined instances of suspected abuse and neglect. These are primarily cases of suspected abuse or neglect that are of a specified level of seriousness. The Commonwealth's Attorney reviews the case and determines whether or not to prosecute the alleged offender. Law enforcement personnel also have the authority to file charges directly. In those instances, the cases are referred to the Commonwealth's Attorney for prosecution.

To investigate cases of abuse and neglect, some communities have established interagency teams composed of social services, law enforcement, and representatives from the Office of the Commonwealth's Attorney. Some teams include allied professionals from the medical, mental health and educational fields. These teams establish procedures and protocols that streamline, coordinate and expedite the investigative and charging process.

If the investigation or the family assessment indicates that the family is in need of services, the local department of social services provides or arranges for those identified services. DJJ may also seek protective custody of the child and may place the child in substitute care while efforts are made to resolve the precipitating issues.

### **Child In Need Of Services (CHINS)**

A child in need of services (CHINS) is defined in the *Code* (§ 16.1-228) as one whose "behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child."

The local CSU is responsible for filing a CHINS petition with the court. The distinction between an abuse or neglect case and a CHINS case is often a subtle one determined partially by the behavior of the child and/or family members, partially by the availability of services in the community, and partially by the service philosophies of the local agencies. Full implementation of the Comprehensive Services Act (see description in Service Network section) is expected to help resolve these issues by generating a commonly accepted community-wide service philosophy and a more comprehensive and coordinated service delivery system.

If a child is found to be in need of services, the juvenile court or the circuit court may make any of a number of dispositional orders for the "supervision, care and rehabilitation of the child." (*Code* § 16.1-278.4). The judge has discretion to:

- Order the cooperation of agencies in the community in providing services.

## I. Description of the System

- Permit the child to remain with his or her parent or legal custodian, with conditions or limitations.
- Order the parent with whom the child is living to participate in services or treatment or abide by conditions or limitations imposed by the court.
- Relieve a child 14 years or older from compliance with compulsory education, if the court decides that the child cannot benefit from school, and authorize the child to work as long as the employment is not deemed to be hazardous to anyone under the age of eighteen.
- Transfer legal custody to any of the following:
  - a relative or other individual,
  - a licensed or authorized child welfare agency, or
  - a local welfare board/social service department.
- Require the child to participate in a public service project.

### **Child In Need Of Supervision (CHINSup).**

A child in need of supervision is defined as one who is habitually truant or runaway (*Code* §16.1-228).

If the child is found to be in need of supervision, *Code* §16.1-278.5 requires that the court refer the child to a community interdisciplinary team (see section on Comprehensive Community-Based Services) for an evaluation of the child's service needs prior to issuing a final disposition. The report of that team shall be filed with the court. The court may make any of the following orders:

- Require the cooperation of agencies in the community in providing services.
- Place the child on probation with conditions.
- Order the child and/or parents to participate in programs, cooperate in treatment or abide by conditions.
- Require the child to participate in a public service project.
- Order the parent to participate in programs or treatment for the child or parent and, if the parent fails to comply, impose a fine of up to \$100 for each day of noncompliance with the court order.
- Impose a fine or other consequences, including charging with a Class 1 misdemeanor, on parents found to be in violation of the court's order concerning compulsory school attendance.

Section 22.1-258 of the Code of Virginia requires the school system to develop an intervention plan for any student who is absent without parental knowledge. This legislation requires parental notification and involvement in the planning phase of how to address the needs of the child. The legislation also requires that upon the next unexcused absence following the meeting designed to remedy the issue around the

## I. Description of the System

child's absence, a petition must be filed in the juvenile and domestic relations district court either against the child pursuant to section 16.1-228 of the *Code of Virginia*, or against the parent(s) pursuant to section 22.1-254.

### ***Valid Court Order***

Section 16.1-292.E (2) of the *Code* provides that a child who is 14 years of age or older and who has been found to be a child in need of supervision (CHINSup), may be placed in a secure juvenile detention facility for violation of the court's order of disposition. Such placement may be made if the court finds that placement in a foster care home, group home, or other non-secure facility is not likely to meet the child's service needs and that all other treatment options in the community have been exhausted. The period of detention may not exceed 10 consecutive days during which time the community interdisciplinary team is reconvened for the purpose of developing further treatment plans covering the period during and/or following the child's detention. Intake officers have discretionary authority, within established guidelines, to file a petition on a juvenile. In a case where a petition is filed, this authority extends to decisions made concerning the child's placement while awaiting the court hearing.

### **Status Offender**

Section 16.1-278.6 of the *Code* indicates that if a child is alleged to be a status offender, i.e., has committed an act which is prohibited but which would not be a crime if committed by an adult, the juvenile court or the circuit court may make any order of disposition as authorized for a child in need of services (16.1-278.4).

### **Serious or Habitual Offender Comprehensive Action Program (SHOCAP)**

Virginia *Code* §16.1-330.1 defines a serious or habitual offender as a minor who has been:

- adjudicated delinquent or convicted of murder or attempted murder, armed robbery, any felony sexual assault or malicious wounding or
- convicted at least three times for offenses that would be felonies or Class 1 misdemeanors if committed by an adult.

Qualifying convictions or adjudications include only those for offenses that occur after July 1, 1993. Juveniles under SHOCAP supervision at their eighteenth birthday, and who have been committed to State care under §16.1-278.8 or §16.1-285.1, may continue to be supervised by SHOCAP until their twenty-first birthday.

The SHOCAP program is a cooperative information-sharing and case management program designed to enable agencies that serve juveniles to share information about serious or habitual juvenile offenders so that comprehensive, coordinated services can be provided for the juveniles and the community can be protected from serious juvenile crime.

## **I. Description of the System**

Participation in SHOCAP by localities is voluntary. The SHOCAP program must be established by an ordinance of a local government body by which a SHOCAP Committee is created.

### **Offices on Youth**


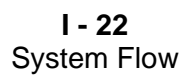
The Offices on Youth, authorized under the Delinquency Prevention and Youth Development Act, are a statewide network of offices formed to ensure that better services and coordination of services are provided to children and youth. The Offices assess the needs of children and youth in the community and seek ways to meet those needs, either by creating programs where none exist or by using existing programs. One goal is to change conditions in the community that create problems for youth, thereby preventing delinquency and reducing recidivism. The State funds that were dedicated toward Offices on Youth were eliminated in 2002. Many localities kept their offices open using local or other funds.

The size and specific tasks performed by the Offices on Youth vary from locality to locality. Some of the Offices are involved in most activities and programs in the community that deal with children, while others do not have such broad exposure. Some of the Offices have undertaken the administrative tasks under the Comprehensive Services Act and the Virginia Juvenile Community Crime Control Act in addition to the creation and assistance in implementation of programs for the local CSUs.

When State funds were involved, the Department of Juvenile Justice was responsible for funding and oversight of these offices. They performed certification audits every third year, monitored their budgets, and provided on-going technical assistance when needed. They continue to provide periodic communication with the offices. There were 42 Offices on Youth in operation before funding was eliminated; 34 remain open with local funds. Although a large portion of their work is geared toward preventing involvement with the courts, many of the annual work plan objectives of each of the Offices on Youth focus on children in the juvenile justice system.



# SYSTEM FLOW



### **STEPS IN THE JUVENILE JUSTICE SYSTEM**

1. The juvenile enters the system when an offense is committed and reported by a parent, citizen, agency complaint, or the police.
2. If the juvenile entered the system through police contact, a decision is made whether to counsel and release the youth back to the community or to arrest. If a parent, citizen, or agency made the complaint, then the complaint goes to intake.
3. An intake officer at the court service unit makes the decision whether to take informal action such as crisis-shelter care, detention outreach, or counseling; to take no action; or to file a petition. In some cases, a police officer or the original complainant will appeal to the magistrate if they disagree with the intake officer's decision. The magistrate must certify the charge and the matter is returned to intake to file a petition.
4. Once a petition has been filed, an intake officer decides if the juvenile should be detained or released to his or her parents/guardians. The decision is based on the juvenile's risk to self, community, or flight.
5. If the decision is made to detain the juvenile, a detention hearing is held within 72 hours in the Juvenile and Domestic Relations District Court to determine the need for further detention and examine the merits of the charges.
6. A preliminary hearing is held to ensure that the case has enough merit to carry it to trial. Issues of competency, insanity, subpoenas, and witnesses are also addressed. If no probable cause exists, the case is dismissed. If cause is determined then the case moves to the adjudicatory hearing. Also during this phase issues of transfers and waivers are addressed by the court. If certification is ordered or a direct indictment issued, the case goes to the circuit court (see sections 12-13).
7. Innocence or guilt is determined at the adjudicatory hearing. Witnesses and testimony are presented similar to an adult trial. If found not guilty, the case is dismissed. If found guilty, a dispositional hearing is held.
8. At the dispositional hearing, the pre-disposition report (social history) is used to assist in selecting appropriate sanctions and services. The court decides if the juvenile will be committed to DJJ or face community sanctions such as warnings, restitutions, or fines. A conditional disposition may be imposed such as probation, which includes participation in CSU programs, referral to local services or facilities, to other agencies, to private or boot camp placement, or to post-dispositional detention. Once the requirements have been met, the juvenile is released by the court.
9. If committed to DJJ, the juvenile must undergo psychological, educational, social, and medical evaluations conducted at RDC.

## **I. Description of the System**

10. From RDC, the juvenile may go to a privately operated residential facility or a juvenile correctional center (JCC). At the JCC, a committed juvenile receives 24-hour supervision, education, treatment services, recreational services, and a variety of special programs.
11. After completion of the commitment period, a juvenile may be placed on parole or directly released. During parole, the juvenile transitions to the community through agency program efforts and is afforded local services. Some juveniles may need 24-hour residential care and treatment services provided by a halfway house. Upon completion of parole or entry into the adult criminal justice system, the youth is discharged from the system.
12. (Appeals Process and Circuit Court Cases) A case may be sent into the appeals process following the dispositional hearing. After presentation to the circuit court, the case is reconsidered and the issue of guilt is examined. If the juvenile is found not guilty, the case is dismissed. If found guilty, the circuit court judge administers an appropriate juvenile disposition.
13. If the circuit court received the case through a direct indictment, a trial will take place. If found not guilty, the case is dismissed. If found guilty, the judge will decide whether to render a juvenile disposition or an adult sentence.

### **VIRGINIA'S JUVENILE JUSTICE SYSTEM: SERVICE NETWORK**

Many of the youth engaged in the formal juvenile justice system have social histories and behaviors that require the involvement of many agencies. The coordination of services is critical to service planning. The agencies and providers described in this section provide either funding or direct service to youth before, during or after, a youth's involvement with the juvenile justice system. Services provided through the formal juvenile justice system, described in a separate *Structure and Function* section of this document, are not repeated in this *Service Network* discussion.

#### **DEPARTMENT OF CRIMINAL JUSTICE SERVICES**

Through the administration of the Juvenile Justice and Delinquency Prevention (JJDP) Act funds, seed money is allocated to localities and state agencies to support training, technical assistance, research, systems analysis and projects which assist the State's juvenile justice reform and delinquency prevention initiatives. In addition, Department Of Criminal Justice Services (DCJS) staff provide technical assistance in program development and evaluation to projects serving youth along all points of the juvenile justice continuum.

Activities of DCJS that serve a variety of state and local service efforts include policy and program planning, law enforcement training, and research as well as the provision of workshops and conferences for juvenile justice system professionals from around the State.

#### **Juvenile Services Section**

The Juvenile Services Section is involved in planning, policy development, and funding of juvenile justice and delinquency prevention initiatives provided through federal or state resources. Section staff provide coordination, program support, technical assistance, training, and monitoring of programs designed to address juvenile justice system improvement and delinquency prevention and programs to improve the investigation, prosecution, and administrative and judicial handling of child abuse cases.

#### **Juvenile Justice & Delinquency Prevention Act Grant Program**

The DCJS Juvenile Services section administers grants under the Juvenile Justice and Delinquency Prevention (JJDP) Act to localities and state agencies. These include Title II formula grants and Title V Delinquency Prevention grants. Information about priorities and programming for Title II grants is contained in Sections III and IV of this Plan. Information about all JJDP Act grants administered by Juvenile Services Section is contained in the Annual Reports of the Juvenile Justice and Delinquency Prevention Advisory Committee. The Annual Reports are available online at <http://www.dcjs.org/juvenile> (choose Publications and Reports).

## **I. Description of the System**

The DCJS Juvenile Services Section administers four other functional program areas in addition to JJDP Act programs. They are the juvenile anti-drug program funded through the Bureau of Justice Assistance Byrne Memorial Funds, the Children's Justice Act Program, the Juvenile Accountability Incentive Block Grant (JAIBG), and the Court Appointed Special Advocates Program (CASA).

The Byrne and JAIBG programs have the most significant interface with the JJDP program. Collaboration between the JJDP program, the Crime Prevention Center and Virginia's Drug Free Schools and Communities Act efforts assists in creating a system of program planning and funding opportunities for substance abuse services to juveniles. The needed reforms for the improvement of substance abuse services for the juvenile justice population are accomplished partially through the use of these varied funds. Byrne funds have been targeted to the following areas: training for juvenile justice professionals, multi-generational family-oriented community-based services for substance abusing youth and substance abuse assessment and treatment in state and private provider residential services. . Further information about the Juvenile Services programs is available on the Juvenile Services Section web site, <http://www.dcjs.org/juvenile>.

### **Byrne Memorial Funds**

The Byrne Memorial Fund grant program has evolved over the years from strictly substance abuse services to now include crime prevention and control. The Juvenile Services Section of DCJS administers a small portion of the Byrne funds allocated to the Commonwealth. The other funds are administered by other sections of DCJS.

The Juvenile Services Section is monitoring four projects funded in fiscal year 2003. Of those four, one has statewide implication and three have local impact. The purpose of these grants varies. The local programs include funds to evaluate a local juvenile information system, for a local juvenile justice planner, and to operate a day boot camp. The statewide grant provides funds for the treatment of substance abusing juveniles.

### **Juvenile Accountability Incentive Block Grants**

The Juvenile Accountability Incentive Block Grant (JAIBG) program was first established in the 1998 federal Appropriations Act. The purposes of the program are to combat serious and violent youth crime through increasing accountability for juvenile criminal offenses and to promote greater accountability throughout the juvenile justice system. JAIBG funds are administered by the Virginia Advisory Committee on Juvenile Justice (formerly the Juvenile Justice and Delinquency Prevention Advisory Committee) which makes recommendations to the Virginia Criminal Justice Services Board.

The underlying supposition of the JAIBG program is that young people, their families, and the juvenile justice system must be accountable for improving the quality of life in every community. JAIBG funds enable units of local government and State agencies to promote accountability in the juvenile justice system through support for juvenile facilities; accountability-based sanctions; the hiring of additional juvenile judges, probation officers, prosecutors, and public defenders; pretrial services; juvenile gun and drug courts; and controlled substance testing. JAIBG also supports interagency information-sharing

## **I. Description of the System**

programs that enable the juvenile and criminal justice system, schools, and social services agencies to make informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious or violent delinquent acts. Finally, JAIBG funds may be used to support programs that use law enforcement to protect school personnel and students from drug, gang, and youth violence. Each of these areas of activity supports efforts to intervene with juvenile offenders who have committed a crime, to hold them accountable, and to provide them with the direction and support they need to avoid committing further offenses.

Recent JAIBG projects include: Technology-Based Enhancements to Virginia's Juvenile Courts which established an information management and videoconferencing system that enhanced the ability to track juvenile offenders as they progress through the juvenile court system; the Juvenile Tracking Modernization Initiative which facilitated the modernization of the State's juvenile offender information management system to collect and disseminate empirical data reflecting juvenile offender trends; Sex Offender Treatment Programming which enhanced access to effective juvenile sex offender treatment within residential and community-based environments. Moreover several local projects have been funded which have responded to urban and rural youth crime. For further information about the program, visit the Juvenile Services web site at <http://www.dcjs.org/juvenile> and choose J.A.I.B.G.

### **Children's Justice Act (CJA)**

Federal Children's Justice Act funds have been awarded to the Commonwealth of Virginia since 1990. Funds are used for programs and initiatives that improve the investigation, prosecution and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim. This also includes handling child fatality cases where child abuse or neglect is suspected. The Virginia program has focused on engaging localities in a multidisciplinary approach to such cases.

Over the past thirteen years, DCJS has worked with over seventy localities to develop interagency teams with written protocols clarifying professional responsibilities. The goal of this work is to ensure that teams are conducting investigations in a manner that reduces trauma to child victims and produces better outcomes for the professionals involved. In addition, four federal Department of Justice, Bureau of Justice Assistance grants have been obtained through collaboration with the Virginia State Police to provide equipment and technical assistance to local courts to increase the use of closed circuit two-way testimony of child witnesses. Staff also represent child and juvenile justice concerns on the State's Child Fatality Review Team. For further information, visit the DCJS Juvenile Services web site at <http://www.dcjs.org/juvenile> and choose Children's Justice Act.

### **Court Appointed Special Advocate Program**

The Court Appointed Special Advocate (CASA) Program is a child advocacy organization that seeks to provide trained volunteers to speak for abused and neglected children who are the subjects of juvenile court proceedings. The CASA program is

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funded from the State's General Assembly, the Victims of Crime Act, local governments, foundations, United Way, and private donations. As of 2002, there were 26 locally-operated CASA programs in Virginia. In FY 2002, 1157 CASA volunteers served 4,013 children. Those 1157 volunteers donated approximately 110,000 hours of work worth over \$2 million<sup>1</sup>.

A CASA volunteer's duties include investigation of cases for the purpose of providing written independent factual data to the court, monitoring the cases to assure compliance with court orders, assisting any appointed *guardian ad litem* in representing a child's needs and best interests, and reporting suspected incidents of child abuse and neglect. CASA programs are initiated, developed, and operated at the local level with regulatory and oversight monitoring by Juvenile Services Section, DCJS. For further information, visit the DCJS Juvenile Services web site at <http://www.dcjs.org/juvenile> and choose CASA.

### **Correctional Services Section**

#### **Juvenile & Family Drug Courts**

During the 1990s, the incidence of juvenile arrests and intake complaints for narcotics and alcohol-related offenses increased dramatically. Intake complaints for alcohol-related offenses continue to increase. One response to this problem, in Virginia and nationwide, has been the development of drug court programs. Four juvenile drug treatment courts are now operating in Virginia: the Rappahannock Regional Juvenile Drug Treatment Court in Fredericksburg; the City of Richmond Juvenile Drug Court program; the Newport News Juvenile Drug Treatment Court; and the Lee County Juvenile Drug Treatment Court. An additional eight juvenile drug treatment courts are involved in a formal planning process and still more are being considered informally.

The drug court model<sup>2</sup> includes early identification of defendants in need of treatment; continuous, intense, community-based treatment with judicial supervision; regular hearings before the judge to monitor treatment progress and compliance; increased accountability of the juvenile through a series of graduated sanctions and rewards; and mandatory periodic random drug testing.

Drug court participants move through phases that decrease intensity of supervision and increase self-responsibility as they progress through the program. Throughout, participants are required to acquire and maintain full-time employment or be enrolled in a full-time educational program. Sanctions are enforced. Participants who fail the

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<sup>1</sup> The average hourly value of volunteer work is computed by the Virginia Employment Commission and published by the Department of Social Services on their web site at <http://www.dss.state.va.us/community/vovfacts.html>. In 2001, the value was \$19.77 per hour.

<sup>2</sup> For further information about drug courts, see the Virginia Supreme Court publication, *Drug Court Programs in Virginia*, September, 1999 and the U.S. Department of Justice publication, *Juvenile and Family Drug Courts: An Overview*, November, 1996 (available online at <http://www.usdoj.gov> (choose Reports and Pubs)).



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program may be placed in secure confinement. For successful participants, graduation from drug court usually occurs 12–18 months after entry to the program.

Because drug courts require rigorous adherence to the program, some eligible offenders choose incarceration or probation instead.

Over the last 18 months, three family drug treatment courts have been implemented in the cities of Alexandria, Charlottesville, and Richmond. These courts focus on addicted parents who are before the court on child abuse and neglect petitions. While these courts are more civil than criminal in nature, the treatment model parallels that of other drug treatment courts

Juvenile and family drug courts have not been operating long enough in Virginia to measure long term results. However, according to the National Drug Court Institute<sup>3</sup>, individuals who have completed drug court programs successfully, including adults and juveniles, have recidivism rates averaging between 5% and 19%. Comparatively, those who have not completed drug court programs successfully have recidivism rates averaging between 24% and 66%.

### **Residential Substance Abuse Treatment (RSAT)**

RSAT is a formula grant program, administered by DCJS, which provides grant funds to the Virginia Department of Juvenile Justice to implement residential substance abuse programs for female offenders at the Culpeper Juvenile Correctional Center. The program provides individual and group treatment activities, focused on the substance abuse problems. All offenders are tested for drugs on entering the program and randomly screened while they are in it. The program is housed in a separate facility used exclusively for it. Participation is limited to juveniles who are nearing the end of their term of confinement so that they can be released upon completion of the program. The program serves 16-24 female offenders at a time with about 50 completing the program annually at a cost of \$150,000 (2003).

## **Crime Prevention & Law Enforcement Services Section**

### **Crime Prevention Center**

The Virginia Crime Prevention Center, housed at DCJS, serves as a primary focal point for crime prevention activity in the Commonwealth. The Center provides leadership, policy development, training and technical assistance and conducts research on innovative crime prevention methods, ideas, and trends. Since research indicates that many of the most effective crime prevention strategies are those directed at youth, the Crime Prevention Center participates in several initiatives directed at this population. Many of these programs involve a substantial number of law enforcement personnel. Examples are summarized below.

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<sup>3</sup> Belenko, S. (1998). Research on Drug Courts, *National Drug Court Institute Review*, (1), 1-42.



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### **Serious Habitual Offender Comprehensive Action Program**

Established by the General Assembly in the *Code of Virginia* §16.1-330.1, the Serious Habitual Offender Comprehensive Action Program (SHOCAP) is a multidisciplinary interagency case management and information sharing system that enables the juvenile and criminal justice system, schools, mental health and social service agencies to make more informed decisions regarding juveniles who repeatedly commit serious criminal and delinquent acts. Each SHOCAP is required to supervise serious or habitual juvenile offenders in the community as well as those under probation or parole supervision and enhance current conduct control, supervision and treatment efforts to provide a more coordinated public safety approach to serious juvenile crime, increase the opportunity for success with juvenile offenders and assist in the development of early intervention strategies.

### **McGruff House Program**

The 1993 General Assembly authorized the establishment of qualifying residences as McGruff Houses, in which the resident adults may provide temporary refuge to any child in immediate emotional or physical danger or in immediate fear of abuse or neglect.

In addition to these activities, many local sheriff and police departments are involved in other community and school-based programs such as Drug Abuse Resistance Education (DARE), Officer Friendly, Law-Related Education and Police Athletic Leagues (PAL).

### **Virginia Center for School Safety**

Created by statute in the 2000 session of the General Assembly, this primary intervention initiative supports local school districts and law enforcement agencies in developing and implementing school safety programs through training, technical assistance, resource development and dissemination, and partnership building among state and local agencies and organizations. The Center is the primary source of training and support for most of Virginia's School Resource Officers and school districts. Currently, the Center is developing training standards and certification requirements for School Security Officers who are non-sworn members of a school's security program.

### **School Resource Officers**

School Resource Officer (SRO) programs were developed in schools in response to the problem of school violence and other crimes. Model SRO programs represent a community policing and crime prevention intervention in the school environment. An officer assigned to a school serves as a law enforcement officer, counselor and resource teacher. SROs help to prevent violence by targeting high-risk students and introducing those students to a wide variety of intervention strategies including peer group mediation training, conflict resolution training, law-related education classes and a referral network of community resources. A 2002 study found that 145 Virginia law enforcement agencies have SRO programs. For FY2002-2003, 96 localities had 144 SRO positions funded by DCJS SRO grants.

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DCJS collects data that reflect on the effectiveness of SRO programming in the localities where they are funded through DCJS. The agency created the first statewide SRO task force to develop model policies, determine training needs, and establish information sharing between local programs.

### **VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

In addition to its role as a business that generates revenue for the Commonwealth, the Department of Alcoholic Beverage Control (ABC) provides alcohol prevention and education programs and acts as a law enforcement agency with eight regional offices and special field agents stationed throughout the Commonwealth. ABC provides numerous alcohol prevention projects designed to enhance public safety and law compliance within colleges and communities of the Commonwealth.

#### **Office of Juvenile Justice and Delinquency Prevention Grants**

The goal of the Office of Juvenile Justice and Delinquency Prevention grants is to provide programs and services to reduce underage drinking through environmental prevention strategies which include changing cultural norms, implementing new policies and laws, and enforcing current underage drinking laws. ABC was designated as the state agency responsible to coordinate and implement these OJJDP block grants. To date the agency has received five \$360,000 state block grants and two \$400,000 discretionary grants (seven communities). Funds are being used for ABC enforcement overtime, community training opportunities (i.e. dispersing underage drinking parties, social availability, media advocacy), Community Coalition grants, Operation Undergrad grants (for college law enforcement), Partnership grants (college and community collaboration grant) and social norms marketing projects.

#### **Educational Tools for Licensed Establishments**

ABC has developed several tools to aid licensees to stay in compliance with Virginia laws. Currently under development is a Virginia-specific seller/server training. This class will teach sellers/servers of alcohol how to prevent sales to minors and intoxicated customers, how to spot fake IDs, how to document alcohol-related incidents, and much more. In addition, a manager's training is being implemented in the spring of 2003 to help managers learn effective ways to conduct business within ABC laws, rules and regulations. Each year, *Do Not Sell* stickers, available in both English and Spanish, are sent to each licensed establishment. A 20-minute video and training packet was developed to instruct managers and seller/servers on ABC laws. The training material is delivered to all licensees and continues to be given to all new licensees. Educational Summits will be held periodically on topics of concern for licensees. These summits will include specific training followed by round table discussions with special agents, law enforcement and appropriate officials.

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### **Educational Materials**

ABC develops various educational materials that are offered free of charge to various agencies and communities around the Commonwealth. Some of the topics include: Truth and Consequences of Fake Ids, Blood Alcohol Content, Drinking and Driving Prevention, Virginia Alcohol Laws and Parental Responsibility and a Guide for Parents of First-Year College Students.

### **COMMISSION ON YOUTH**

Although not part of the formal service network, the Commission on Youth, established by the General Assembly in 1989, is an important resource in the development of youth policy, system analysis and juvenile justice reform in the Commonwealth. The major purposes of the Commission are to study and make recommendations to the Governor and the General Assembly on services to youth and their families and to provide a forum for continuing review and study of services for children and youth. The Commission also prepares legislative impact statements on youth-related issues and is assigned studies by the General Assembly.

The Commission is composed of 12 members, six appointed by the Speaker of the House of Delegates from their membership, three appointed by the Privileges and Elections Committee of the Senate from their members, and three appointed by the Governor from the Commonwealth at large. For further information about the Commission on Youth, visit their web page at <http://coy.state.va.us>.

### **OFFICE OF COMPREHENSIVE SERVICES**

The Comprehensive Services Act (CSA), enacted in 1992 and implemented in 1993, is a focal point for many of the services provided for and to children and families at risk. The intent of the legislation was “to create a collaborative system of services and funding that is child-centered, family-focused and community-based when addressing the strengths and needs of troubled and at-risk youths and their families”. The Office of Comprehensive Services (OCS) was established to serve as the administrative entity of the SEC to ensure that decisions are implemented. Responsibilities include developing and recommending interagency program and fiscal policies, providing for certain training and technical assistance and serving as liaison to participating state agencies (COV § 2.2-2649). The purposes of the Comprehensive Services Act were to:

- Ensure services and funding consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public.
- Identify and intervene early with young children and their families who are at risk of developing emotional or behavioral problems, or both due to environmental, physical, or psychological stress;

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- Design and provide services that are responsive to the unique and diverse strengths and needs of troubled youths and families;
- Increase interagency collaboration and family involvement in service delivery and management;
- Encourage a public and private partnership in the delivery of services to troubled and at-risk youths and their families; and
- Provide communities flexibility in the use of funds and authorizing communities to make decisions and be accountable for providing services in concert with these purposes.

The Comprehensive Services Act (CSA) pooled funds from seven existing funding streams that were used generally to purchase residential and non-residential services for children. Since 1993, significant additional appropriations have been added to these existing funds.

A supervisory State Executive Council (SEC) is composed of the agency heads of the major child serving agencies--the Departments of Social Services, Education, Juvenile Justice, Medical Assistance Services, Health, and the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) as well as the Executive Secretary of the Supreme Court, a parent representative, two local government officials, and a private provider.

A State and Local Advisory Team (SLAT) is appointed by and reports to the SEC. Responsibilities include advising on interagency program and fiscal policies; advising state agencies and localities on certain training and technical assistance; and advising the SEC on the impacts of proposed policies, regulations and guidelines (COV § 2.2-5202).

At the local level, there are Community Policy and Management Teams (CPMTs) that are responsible for program implementation, policies and oversight. Also, at the local level, there are one or more Family Assessment and Planning Teams (FAPTs) which review cases, formulate individual case plans and assure case management. The FAPTs are appointed by and report to the CPMTs.

Two classifications of children may be served by CSA pool funds: mandated and non-mandated. The mandated group includes youth who qualify for foster care and/or certain special education services. The non-mandated group includes a targeted population previously served by DJJ special placement funds and DMHMRSAS purchased beds for adolescents. Mandated populations derive from entitlements under state and federal law to provide services to foster care and special education populations by appropriating "such sums of money as shall be sufficient to meet the relevant federal mandates for the provision of these services" (COV § 2.2-5211.C). Once mandated obligations were met in localities, there were often insufficient funding to meet the full needs of non-mandated youth. In order to create opportunity to serve non-mandated youth, the SEC instituted a "protection level policy". This policy allows localities to "protect" a portion of funding for services to "non-mandated" youth.

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CSA funds are distributed to localities on the basis of a formula. The formula to be allocated and the accompanying local match are defined in the Appropriations Act.

Observations of expenditures and census results from the past 3 years include:

- Program year expenditures increased by 4.64% to \$204.6 M in FY 2000; decreased by 4.05% to \$195.5 M in FY 2001; and increased by 17.30% to \$227.8 M in FY 2002.
- Overall program census has fluctuated from 14,757 children in FY2000 to 14,659 in FY 2001 to 14,992 in FY 2002.
- Over the past three years, approximately 59% of the children served by the CSA were referred by the Department of Social Services, 17% by the Department of Education, 7% by the Department of Juvenile Justice, 5% by Community Service Boards and 12% from other referral sources.

### THE DEPARTMENT OF CORRECTIONAL EDUCATION

The Department of Correctional Education (DCE) is a separate Executive Branch agency within the Commonwealth and operates as an independent school district with its own school board. Its mission is to fight crime through education. The agency operates nine schools specifically for youth located in Juvenile Correctional Centers (JCCs) and one school in the youth reception and diagnostic center, in addition to the schools in the adult facilities. Every youth committed to the state receives testing and educational assessment as part of the reception process, including comprehensive mandated special education evaluation services. All DCE academic and vocational teachers and principals are licensed and meet the endorsement standards established by the Virginia Department of Education.

The agency provides an array of services to the total JCC youth population: mandated elementary, middle, and secondary academic instruction, special education, GED, transition and life skills training, and vocational instruction in 19 different trade areas. Additionally, the agency administers SAT college preparation tests and assists those youth who wish to apply to colleges and universities. In DCE schools during FY 2000-2001, 124 youth passed the GED examination, 29 youth completed course requirements for a high school diploma, and 391 youth received vocational certificates.

To assist youth in the transition back to their community schools, all of the youth schools operate under a uniform curriculum and adhere to the State Board of Education's *Standards of Quality, Accreditation and Learning* as public schools. The services provided by DCE afford committed youth the opportunity to continue to expand their educational achievements. Additionally, the vocational and life skills training offered prepare youth to obtain and retain employment upon returning to their communities.

A complete listing of services and programs offered through DCE can be found at the DCE web site, [www.dce.state.va.us](http://www.dce.state.va.us). The site is updated frequently to ensure that it contains current information.

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### **DEPARTMENT OF EDUCATION**

Although Virginia's school system is governed locally by 134 school boards, the Virginia Board of Education sets policy and establishes regulations for the operation of the public schools. The Department of Education's (DOE) goals are to maintain standards of high academic excellence, to implement a comprehensive student assessment system, and to maintain public accountability for K-12 education. For further information about the Department of Education's programs and services, visit their web site at <http://www.pen.k12.va.us>.

DOE, as a member of the service network, has a number of programs that seek to address youth who are out of the education mainstream, such as those in the juvenile justice system. These programs attempt to help maintain safe schools and provide a school climate that is conducive to learning. Some of the programs and strategies include bully prevention, anger management, and character education. In addition, the DOE provides leadership and training that address the needs and issues related to dropouts, truants, suspended and expelled youth, and youth transitioning from juvenile correctional facilities back to their enrolled schools.

#### **Dropout Prevention**

Funding for Project YES (Youth Experiencing Success) in FY 2003 totals \$10,203,025. These funds are distributed among 112 school divisions. Local program plans must include a process for identifying potential dropouts; a plan for early prevention or intervention strategies that will retrieve dropouts; a plan to address systemic change that will ultimately decrease the dropout rate; and an assessment of the program's outcomes.

#### **Superintendent-Judges Liaison Committee**

In recent years, a Superintendent-Judges Liaison Committee was established to maintain and open lines of communication between local school superintendents and juvenile and domestic relations court judges. Meetings have focused on issues of mutual concern with records sharing between the court and schools and truancy reduction as common issues. Regional meetings are held periodically by the superintendents and judges within each region.

#### **Inter-Agency Training**

DOE participates with the Departments of Juvenile Justice, Correctional Education, and Social Services, and with the Comprehensive Services Act's State Management Team to provide regional training for providers. The training has focused on the re-enrollment of students who have been committed to DJJ, understanding each other's agency policies and procedures, and inter-agency planning for youths in the community.

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### **DEPARTMENT OF HEALTH**

The Virginia Department of Health (VDH) is the state's primary agency focusing on the prevention of disease and injury, promotion of healthy behavior, and protection of public health. Population-based services are delivered through the central office and 35 health districts and in partnership with other public and private entities. The Division of Child and Adolescent Health has primary responsibility for the core public health functions of assessment, policy development, and assurances to address the health status and health service needs of children and adolescents in Virginia. Other VDH program areas also play an important role in the juvenile justice service network.

VDH operated with a budget of \$403 million in FY 2001, of which \$69 million was targeted for maternal and child health.

#### **Prevention Services**

VDH strives to prevent children and youth from entering the juvenile justice system by strengthening families and promoting optimal development of young children. Juvenile justice research has long recognized the impact of father figure absence in the lives of male adolescents engaged in the juvenile justice system. It is well accepted that youth who have experienced physical or sexual abuse are more likely to enter the juvenile justice system. There is growing evidence that youth who, as young children, experienced impaired brain development due to inadequate prenatal care, inadequate nutrition, inadequate parenting, lead poisoning or head trauma, are more likely to enter the juvenile justice system. The following VDH programs address these risks to children.

#### **Virginia Fatherhood Campaign**

The Virginia Fatherhood Campaign promotes programs and policies that support father-presence in the lives of children. The Campaign consists of a statewide media campaign, regional forums to stimulate local interest, a resource center and community projects.

#### **Adolescent Health**

The health and well-being of adolescents is promoted through several initiatives. The Teen Pregnancy Prevention Initiative supports seven community-based projects designed to prevent teenage pregnancy through community development, education, social marketing, and health services. Nineteen Better Beginnings Coalitions increase community awareness through public campaigns and programs to prevent adolescent pregnancy.

The Abstinence Education Initiative seeks to reduce teenage sexual activity and promote sexual abstinence. Funds support five community-based abstinence education programs, a media campaign, information and referral services, and education materials. The Right Choices for Youth Initiative promotes risk avoidance for multiple interconnected risk behaviors. The program funds eleven communities to assist with

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community asset assessments and to help build unified positive messages for youth to avoid drugs, alcohol, and tobacco use, sexual activity, and violence using best practices.

A school age and adolescent health nurse consultant supports statewide activities for health promotion, disease prevention, diseases treatment, and surveillance.

### **Tobacco Control and Prevention Programs**

The Centers for Disease Control and Prevention funds the VDH to conduct tobacco control and prevention programs. Approximately \$1.1 million is allocated annually to VDH for community intervention programs. These programs include training, media, surveillance, and evaluation projects, which are conducted throughout the Commonwealth. VDH also works with 17 community-based coalitions as well as other private organizations to implement tobacco prevention and policy projects in localities.

### **Home Visiting Programs**

VDH employs several home visiting models to strengthen families, promote optimal child development, and assure that pregnant women and children receive health care services. These include the Resource Mothers Program, which utilizes lay community health workers to mentor pregnant and parenting teens and young adults. Recognizing that siblings and cousins of pregnant and parenting adolescents are at heightened risk for early sexual activity, teenage pregnancy, and school drop out, the GEMS program mentors non-pregnant sisters, ages 9-15, from the Resource Mothers Program to promote positive youth development. Some health districts utilize the Comprehensive Health Investment Project (CHIP) model for low-income families with children. Baby Care provides nurse home visiting and case management for high-risk Medicaid eligible women and infants through age 2.

### **Injury Prevention**

The Center for Injury and Violence Prevention coordinates statewide injury prevention projects, including a large transportation safety and education program, a smoke alarm installation and education program, older adult safety programs, playground and bike safety training, funding local programs, and dissemination of injury data and educational resources. The program also disseminates car seats to indigent families.

### **Sexual Violence Prevention Programs**

The Sexual Violence Prevention Program supports primary prevention of sexual assault by funding community-based education projects. Current Center projects include funding for peer education programs in 7 localities, 18 local prevention projects, targeted outreach to men, and media awareness campaigns.



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### **Suicide and Youth Violence Prevention**

The Center coordinates the Commonwealth's plan for suicide prevention. The Center disseminates information about suicide prevention to parents and professionals, provides free suicide prevention training for persons in frequent contact with youth in middle and high schools and is involved in regional training efforts to more broadly involve college campuses, medical providers, and elder service providers in suicide prevention. The Center's youth violence prevention activities focus on identification and training on school-based youth violence approaches, including bullying prevention.

### **Childhood Lead Poisoning Prevention**

The Childhood Lead Poisoning Prevention Program promotes screening for lead poisoning, tracks lab results, and provides technical assistance in screening, medical and environmental assessments, provider training, public education and coalition building, and educational materials. Funding is provided for five high-risk communities.

### **Supplemental Food Program for Women, Infants and Children (WIC)**

WIC provides specific nutritious foods, nutritional education, and health care referrals for low-income pregnant, lactating and postpartum women and children up to age five.

### **Health Care Services for Youth**

Nationally, youth in the juvenile justice system are more sexually active and engage in sexual activity at younger ages. They are more likely than other youth to experience many acute and chronic health conditions, including pregnancy, sexually transmitted diseases (STDs) including HIV, drug abuse, alcohol abuse, serious injury, dental problems, inadequate immunizations, physical and sexual abuse, learning disabilities and depression.

VDH programs provide early identification, treatment, and care coordination for some of these health problems with family planning clinics, prenatal care services, STD clinics, HIV/AIDS services, sexual assault crisis centers, dental health services, immunization clinics, services for children with special health care needs, primary care centers, and school health services. Child Development Clinics work with schools, social service organizations, foster care, courts, and others to evaluate and recommend treatment plans for children with suspected behavioral or developmental disorders. Clinical services are provided through local health departments and other contracted organizations. Services are available to all residents.

The VDH standards of care, *Bright Futures*, help providers address risk behaviors at developmentally appropriate ages to promote healthy youth development.

### **Surveillance and Health Statistics**

VDH provides surveillance data as part of its public health assessment function. The Center for Injury Prevention analyzes and reports injury-related death and hospitalization data. The Office of the Chief Medical Examiner sponsors Child Fatality and Family and Intimate Partner Homicide Surveillance and Fatality Review as directed

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by the *Code of Virginia*. Review teams gather data, analyze systems responses, and make recommendations for prevention. This Office also manages a National Violent Death reporting grant. The Center for Health Statistics publishes data relating to pregnancies, births, and deaths. The Office of Epidemiology provides data relating to diseases such as HIV/AIDS.

For more information about Virginia Department of Health programs and surveillance data, please visit their website at <http://www.vdh.state.va.us>.

### **THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES**

One of several agencies operating within the Health and Human Resources Secretariat, the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) is the primary planner and provider for mental health, mental retardation, and substance abuse services in the Commonwealth.

Recognizing the State's commitment to locally-driven needs planning and service delivery, DMHMRSAS provides mental health, mental retardation and substance abuse services through contracts with local Community Service Boards (CSBs). There are 40 CSBs operating across the state that offer early intervention services for infants and toddlers with disabilities and their families, mental health services, and substance abuse prevention, addiction, and treatment services.

Early intervention services are designated for infants and toddlers and their families. The eligible population includes children from birth to age three who are developmentally delayed, who have atypical development, or who have a diagnosed physical or mental condition that has a high probability of resulting in delay. Available services may include a range of family-centered and community-based services defined by the Virginia Interagency Coordinating Council and approved by DMHMRSAS.

For mental health services, the State Board has defined children and adolescents who are experiencing serious emotional or behavioral disorders as the first priority population among services for this population. The second priority population for service delivery is young children, from birth to age seven, at risk of developing serious emotional disturbance.

Mental Health Services for children and adolescents may vary by locality. The Code of Virginia requires every CSB to offer emergency mental health services, case management and prescreening for state psychiatric admission. Many CSBs also offer specialized outpatient services, intensive in-home services, day treatment/education services, and respite services. A few offer group residential care and individual therapeutic homes. Referrals can be made directly to the CSB. Fees for service are based upon a family's income.

#### **Prevention Planning**

DMHMRSAS requires the use of a community-based prevention planning process that addresses risk and protective factors and encourages collaborative planning and the

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implementation of prevention services for youth before they develop problems. Risk factors common to several adolescent problem behavior areas include violence, substance use, delinquency, school failure and teen pregnancy. The community services boards were trained in a community-based prevention planning process in 1995. Since 1996, the CSBs have been asked to submit annual prevention plans. CSB personnel work with other human service providers, education, courts and law enforcement, the faith community, organizations, and parents and youth in prevention planning groups. These groups assess needs and resources, prioritize problem areas and risk indicators and plan and implement prevention services. The Plans are used in planning by the Virginia Departments of Education, Juvenile Justice, and Criminal Justice Services.

### Prevention Programs and Services

The CSBs provide a variety of prevention programs. Some of these programs are *universal* prevention programs for general populations. They include school-based prevention education programs, provision of information about the consequences of specific behaviors such as substance use (e.g., Life Skills), and teaching of skills for resisting involvement in problem behaviors like fighting (e.g., peer mediation).

Other prevention programs in the community are either *selective* or *indicated*. Selective programs provide specific prevention services for subsets of the population such as children of substance abusing parents. Indicated programs are designed to prevent the onset of substance abuse in individuals who do not meet DSM IV criteria for addiction but who are showing early danger signs such as failing grades, consumption of alcohol and use of other gateway drugs.

Alternative prevention programs offer opportunities for youth to gain skills that allow them to work with others, think about the future, set goals, and improve learning skills. They are provided after school hours in schools and other community settings. These programs include a variety of prevention activities including but not limited to prevention education, tutoring or homework help, mentoring, job shadowing, apprenticeships or entrepreneurial efforts, summer camp sessions on college campuses or other sites, and community service activities.

Problem identification and referral prevention services are offered through student assistance programs in schools. CSB prevention staffs provide training and support to school personnel; conduct support groups for students focusing on substance use, anger management, and smoking cessation; help set up peer tutorials; lead conflict mediation training; and provide individual and small group counseling. If a child has more serious problems such as hurting self or others, the student assistance counselor talks to school personnel who contact the family for discussion.

For further information about the DMHMRSAS, visit the web site at <http://www.dmhmrsas.state.va.us>.

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### **SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES Act**

The Safe and Drug Free Schools and Communities Act (SDFSCA) funds are designated to support programs that prevent violence and promote school safety, discourage the use of alcohol, tobacco and other drugs, involve parents, and are coordinated with related federal, state, and community resources. SDFSCA funds have been used in Virginia since 1985. For FY 2002-2003, Virginia received about \$9 million in SDFSCA funding.

All programs funded by the federal SDFSCA funds must meet the mandated U.S. Department of Education's Principles of Effectiveness. The Principles of Effectiveness require programs to be based on specific criteria. These are:

- an assessment of data regarding the incidence of violence and illegal drug use in those schools and communities served;
- an analysis of data on risk factors, protective factors, or other variables in the school and community;
- be based on an established set of performance measures to ensure schools and communities served have a safe, orderly and drug-free learning environment;
- be based on scientifically based research that provides evidence that the programs used will reduce violence and illegal drug use;
- include meaningful and ongoing consultation with parents in the development of the application and administration of the program or activity; and
- undergo periodic evaluation to assess progress towards reducing violence and illegal drug use, employing these evaluation results to refine, improve and strengthen programs.

### **Governor's Office for Substance Abuse Prevention (GOSAP)**

The Governor's Office for Substance Abuse Prevention (GOSAP) administers 20 percent (\$1.8 million) of the federal SDFSCA funds. The Governor's SDFSCA funds are used to implement drug and violence prevention programs and activities, including:

- Activities that complement and support local educational agency activities, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;
- Dissemination of information about drug and violence prevention; and,
- Development and implementation of community-wide drug and violence prevention planning and organizing.

Programs funded by GOSAP also have to meet the SDFSCA Principles of Effectiveness. GOSAP awards competitive grants to public and private organizations in four categories:

1. Community Needs Assessments: Grants are awarded to support comprehensive community prevention needs assessments. Communities that receive these

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funds collect and use objective data from a variety of sources to determine the availability of prevention resources. The findings are used to plan and coordinate community based programming for substance abuse prevention.

2. Evaluation: Grants are awarded for the evaluation of existing, well-established, locally developed programs that demonstrate credible evidence of effectiveness. Funds are used to determine whether a program produces quantifiable outcomes.
3. Community Comprehensive Plan: Funds in this category support comprehensive community prevention plans based on identified community needs.
4. Continuation: SDFSCA funds support the continuation of projects that have been successfully implemented and which demonstrate preliminary positive program impacts.

In addition to the SDFSCA grants program, the GOSAP administers the State Incentive Grant Program and provides workshops for agencies and organizations interested in grant writing and prevention basics. For more information on the projects funded by GOSAP, visit the [www.gosap.state.va](http://www.gosap.state.va) website.

### **Virginia Department of Education**

In accordance with the formula set forth in the federal statute, 80 percent of Virginia's SDFSCA funds are administered through the Virginia Department of Education (DOE) for grants to local school divisions. For FY 2002-2003, this amount totals about \$7.2 million. Ninety-three percent of the funds are distributed to school divisions. Seven percent is retained by the Department of Education for program and administrative costs. Funded programs have to meet SDFSCA Principles of Effectiveness to assure the implementation of quality, science-based prevention programs. School divisions submit an application for use of the funds and DOE staff provide technical assistance and consultation to the division SDFSCA coordinators in meeting the stated program goals and objectives.

In addition to the grants distributed to the local school divisions, the DOE supports numerous training opportunities for school personnel, law enforcement and other interested agencies and organizations in teacher training, curriculum development, parent education and special events that meet the goal of fostering a safe and conducive learning environment. DOE staff who work with the SDFSCA program serve on a number of interagency committees working toward coordinated prevention programming on a statewide basis.

For more information on DOE's SDFSCA program, visit the [www.safeanddrugfreeva.org](http://www.safeanddrugfreeva.org) website.

### **DEPARTMENT OF SOCIAL SERVICES**

The Department of Social Services (DSS) administers a broad array of social and human services programs across the state that focus on at-risk youth and families. DSS is one of the cornerstone agencies that assist with the work of the Comprehensive

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Services Act (CSA). In keeping with the CSA, localities play a major role in identifying needs and planning strategies to meet the needs of at-risk populations within their communities. The populations of concern continue to be: children and youth in need of foster care, school dropouts and truants, teen parents, substance abusing children and violent families.

From a legal and historical perspective, the Commonwealth of Virginia mandates the protection of children and family members first, before the delivery of necessary services. Thus, if an at-risk child or family member cannot be adequately protected from harm without placement and/or the family does not possess adequate strengths on which to build competent behaviors, the services will not be provided until the safety of the parties has been ensured.

Within DSS, the federally required Child and Family Services Plan guides many of the initiatives that address youth at risk of juvenile justice involvement.

### **Child and Family Services Plan**

To be eligible for federal financial participation under Title IV-B of the Social Security Act, each state must have a comprehensive Child and Family Services Plan (CFSP). The CFSP is defined as “... *the document, developed through joint planning, which describes the publicly-funded state child and family services continuum (family preservation and family support services; child welfare services, including child abuse and neglect prevention, intervention, and treatment services; services to support reunification, adoption, kinship care, foster care, independent living, or other permanent living arrangements)*”.

The federally mandated consolidation of planning requirements was designed to encourage the development of a range of comprehensive, community-based services that are accessible to children and families at risk. The Child and Family Services Plan reflects the consolidated planning and reporting requirements mandated for Title IV-B programs with information included from the:

1. Chafee Foster Care Independence Program;
2. Child Abuse Prevention and Treatment Act (CAPTA);
3. Adoption and Safe Families Act of 1997, revised in 2002; and
4. Indian Child Welfare Act.

### **Local Child and Family Services Plans**

Community-based plans form the foundation for the Child and Family Service Plan for the Commonwealth of Virginia. To carry out the legal requirements mandated under Title IV-B, communities (cities, counties, and towns) throughout Virginia have been given, and have accepted responsibility for, the assessment, identification, and delivery of needed child and family services. Each of the participating communities agreed, in writing, to undertake a comprehensive community needs assessment and subsequent development and implementation of their own local Child and Family Services Plan.

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Many of Virginia's communities have chosen to use the "Communities That Care" model of assessment to determine the types and degrees of risk to our young people and to identify the factors and services within communities that can protect them from further risk.

To provide the maximum flexibility and freedom to respond to the results of the community assessment process, each community has the freedom to choose what mix, if any, of the four basic services of family preservation, family support, reunification (for children in foster care), and adoption to provide its citizens. As a result, communities throughout the Commonwealth have been able to address directly the prevention and support needs of at-risk youths and their families. Under the cooperative framework of the Comprehensive Services Act, services are provided through interagency collaboration and coordination, public/private partnerships and child-centered, family-focused community-based supports that encourage self-sufficiency.

### **Review of Child Protective Services**

The child protective services (CPS) system in the Commonwealth has been analyzed in great detail over the past ten years with intent to reform these services. Several study outcomes have guided enhanced regulation proposals. Significant new regulations were enacted in 1998 that addressed issues such as audio-taping of interviews, entry into the home, and retention of invalid reports. Another outcome of this review process was a three-year pilot, from 1997 to 1999, in five localities of the Multiple Response System. This system allows for differential responses by local departments of social services to reports of child abuse and neglect.

As a result of the pilots and the evaluation, DSS has implemented a Differential Response System (DRS) statewide. The DRS allows local agencies to follow-up on certain types of CPS complaints through a family assessment track, rather than the more adversarial investigative track. This system of child protection allows for greater attention and support to at-risk families, while protecting children.

### **Child Abuse Prevention**

In the three-year period 1999 through 2001, the state experienced 99 child deaths due to abuse or neglect.

Local departments of social services investigated 26,686 complaints of alleged abuse or neglect in FY 2001. Of those complaints, statewide 5,963 were founded and, in the five pilot departments, 1,116 were diverted to the assessment response track.

Today, there are a number of efforts within DSS to address prevention of child abuse and fatality. Child abuse has a high correlation with adolescent acting out or delinquent behavior. Over the last several years, through a coordinated effort with DCJS, DSS has provided multi-disciplinary training to local teams charged with investigating and

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prosecuting child abuse cases. In FY 2002, The State Board of Social Services approved a new Child Fatality Protocol and the State Child Fatality Review Team initiated a review of homicides by caretakers. As well, they began developing a uniform data collection tool for local/regional review teams. Other initiatives have included response to multi-cultural communities through the publication of Spanish CPS brochures, informational cards for caretakers that address a number of child safety concerns, and enhanced staff training in investigation.

### **Foster Care**

DSS is the primary provider of foster care services for children whose families are in crisis. Local departments of social services, not the State, hold custody of children in care. This category of service continues to be of concern to the state.

As of March 31, 2002, 7,761 children were in foster care. In the past few years, the majority of the children coming into care are over age 13. Some of the children face physical, emotional or mental challenges. For some of these children, special services are needed to help them develop age-appropriate skills. Also, once in care, many children experience multiple placements due to the nature of their problems. Research has demonstrated that this can have a significant impact on a child's developmental and attachment behaviors.



### **VIRGINIA TOBACCO SETTLEMENT FOUNDATION**

The Virginia General Assembly established the Virginia Tobacco Settlement Foundation (VTSF) in 1999 to lead a statewide effort to reduce and prevent the use of tobacco products by youth in Virginia. The VTSF is meeting its mission through multifaceted efforts including community programs and education, a public awareness campaign, innovative research, and enforcement of Virginia's tobacco access laws. Virginia has committed 10% of its share of the Master Settlement Agreement to fight youth tobacco use. For more information, visit the web site at <http://www.vtsf.org>.

#### **Community Programs & Education**

The VTSF is committed to involving Virginia's communities in the effort to prevent tobacco use by youth. Local groups and organizations are funded to implement tobacco use prevention programs directly with young people. The local programs teach youth about tobacco use cessation, life skills, advocacy, youth empowerment, and social skills in an effort to assist them in avoiding tobacco use.

#### **Youth-Focused Public Awareness**

Based on the most extensive youth marketing research ever conducted in Virginia, the VTSF launched a statewide campaign that integrates hard-hitting messages through a multimedia marketing effort. Strategies include television and radio commercials, an interactive web site ([www.ydouthink.com](http://www.ydouthink.com)), internet banner ads, outdoor and cinema advertising, a concert series, and grassroots marketing activities-all designed to reinforce the VTSF's youth tobacco use prevention message.

#### **Innovative Research**

The VTSF has convened a research consortium consisting of Virginia's major research universities to coordinate primary research efforts. The consortium allows universities to coordinate their efforts and use the strengths of each institution. Research projects address a range of issues, including determining if there is a possible genetic predisposition to nicotine dependence, and the identification of factors that may impact a youth's progression from experimentation with tobacco products to addiction.

#### **Enforcement**

The VTSF funds the Virginia Department of Alcoholic Beverage Control (ABC) to conduct approximately 400 compliance checks per month, where agents randomly test tobacco retailers to determine if they will sell tobacco products to under-age buyers. To date, these checks have shown a steady increase in retailer compliance with Virginia's tobacco access laws.